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PATENT
Attorney Docket No. MRK-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Cardy <i>et al.</i>	CONF. NO.	5220
SERIAL NO.:	08/737,457	GROUP NO.	1644
FILING DATE:	May 15, 1995	EXAMINER:	Ewoldt, G.R.
TITLE:	IMPROVEMENTS IN OR RELATING TO PEPTIDE DELIVERY		

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

This paper is responsive to a “decision on a petition under 37 C.F.R. § 1.137(b)” (“the Decision”) mailed from the U.S. Patent and Trademark Office (USPTO) on April 9, 2004 (Paper No. 44).

Applicants enclose a petition and fee for a one-month extension of time for response by “other than a small entity” under 37 C.F.R. § 1.17(a)(1), as Applicants have notified the USPTO pursuant to 37 C.F.R. § 1.27(g)(2) in a separate paper filed today that status as a small entity is no longer appropriate for this application. Applicants enclose a courtesy copy of the notification regarding change in status.

Applicants believe that the petition fee as set forth in 37 C.F.R. § 1.17(m) is not required with this submission since the petition fee for a small entity was previously submitted on February 26, 2004, in accordance with 37 C.F.R. § 1.137(b)(2), and the deficiency relating to the failure to notify the USPTO of the loss of entitlement to small entity status was paid today under 37 C.F.R. § 1.28(c) with the separately-filed notification regarding change in status. Nevertheless, if any further petition or fee is

required, please consider this a conditional petition therefor and authorization to charge Deposit Account No. 20-0531.

Applicants hereby petition the Director of the USPTO under 37 C.F.R. § 1.137(b) to revive the above-identified patent application. The Decision indicates that the prior petition under 37 C.F.R. § 1.137(b) filed on March 1, 2004, lacked the required reply to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" mailed from the USPTO on January 13, 2003 (Paper No. 37). In accordance with 37 C.F.R. § 1.137(b)(1), Applicants provide herewith a submission in reply to Paper No. 37. Applicants believe that the amendments and papers provided in this submission comply completely with the requirements set forth in Paper No. 37.

Specifically, Applicants have amended the "Sequence Listing" to include the "KDEL" amino acid sequence recited in the specification at page 8, line 18 and in FIG. 10 as required by Paper No. 37. Applicants have included with this submission a substitute paper copy and substitute computer-readable copy of the "Sequence Listing" together with the statements required under 37 C.F.R. §§ 1.821(f) and 1.821(g). In addition, Applicants have amended FIG. 10 to include a sequence identifier adjacent to the amino acid sequence "KDEL" as required by Paper No. 37. A copy of amended FIG. 10 is included with this submission. Finally, Applicants have amended the specification at page 8, line 18, to include a sequence identifier after the "KDEL" amino acid sequence as required by Paper No. 37.

In accordance with 37 C.F.R. § 1.137(b)(3), Applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

Applicants also enclose an executed Power of Attorney by Assignee of Entire Interest/Revocation of Prior Powers and New Power of Attorney form.



The undersigned respectfully requests that this Renewed Petition be granted and that the patent application be examined under 37 C.F.R. § 1.104 in due course. If there are any questions with respect to this Renewed Petition, the USPTO is encouraged to contact the undersigned attorney.

Respectfully submitted,

Date: July 9, 2004

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